

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

FARESHA SIMS

Plaintiff,

v.

UNIVERSITY OF MARYLAND MEDICAL
SYSTEM CORPORATION, *et al.*,

Defendants.

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Civil Action No. CCB-19-295

MEMORANDUM

After summary judgment was entered against her (ECF 191, 192) and a motion for reconsideration was promptly denied (ECF 196), Plaintiff Dr. Faresha Sims, representing herself, filed a motion for recusal, citing to both 28 U.S.C. §§ 144 and 455. (ECF 197). She seeks to have the undersigned judge removed from any further participation in this case.

Chief Judge James K. Bredar referred to Judge Stephanie A. Gallagher for review (ECF 202) the motion. Judge Gallagher decided that Dr. Sims had not filed a timely and sufficient affidavit as required under 28 U.S.C. § 144, and that I should rule on the motion for recusal under 28 U.S.C. § 455. (ECF 213, 214).

Recusal is required under 28 U.S.C. § 455 if, considered objectively, the Judge's "impartiality might reasonably be questioned." *United States v. Cherry*, 330 F.3d 658, 665 (4th Cir. 2003) (quoting *In re Beard*, 811 F.2d 818, 827 (4th Cir. 1987)). The Supreme Court has explained that "judicial rulings alone almost never constitute valid basis for a bias or partiality recusal motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Instead, as Judge Gallagher

noted, “almost invariably, [judicial rulings] are proper grounds for appeal, not for recusal.”

Liteky, 510 U.S. at 555. In this case, Dr. Sims provides no factual support for any extrajudicial source of personal bias or prejudice; rather she disagrees with the conclusions reached in my summary judgment ruling and my denial of her motion for reconsideration. She is of course free to appeal to the Fourth Circuit, which she has done. (ECF 204).

Accordingly, the motion for recusal under 28 U.S.C. § 455 (ECF 197) will be denied.

A separate Order follows.

11/22/2022

Date

/s/

Catherine C. Blake
United States District Judge